

**Chowan County Board of Commissioners**  
**Regular Meeting**  
**Monday September 8, 2008**  
**9:00am**  
**1767 Chowan County Courthouse**  
**117 East King Street**

The Chowan County Board of Commissioners their regular meeting on Monday, September 8, 2008, at 9:00 am in the 1767 Chowan County Courthouse, 117 East King Street Edenton, NC.

Present: Jimmy Alligood, Bill Gardner, Kenny Goodwin, Louis Belfield, Harry Lee Winslow, Ralph Cole and Jerry Downum. Also present was County Manager, Peter Rascoe and Clerk to the Board, Susanne Stallings.

Chairman Cole called the meeting to order and Commissioner Alligood offered the invocation.

**Introduction of Interim County Extension Director**

Peter Rascoe introduced Lewis Smith as the acting Interim Director for Chowan County until a replacement is identified.

**Consent Agenda**

Commissioner Gardner moved that the Board accept the consent agenda as submitted below. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

**a. Minutes from the Special Meeting of July 30, 2008, August 4, 2008 Regular Meeting and August 14, 2008 Special Budget Amendment Hearing Meeting.**

**b. Budget Amendments**

4310 Sheriff	increase	\$961	Insurance proceeds for auto accident
4310 Sheriff	increase	\$761	Insurance proceeds for auto accident
6130 Maintenance/Buildings	increase	\$5896	Insurance proceeds to repair damage to Park Ave. softball field, tennis courts and library for June 10, 2008 storm

**c. Budget Transfers**

4350 Planning/Insp	increase	\$1595	From contingency for part-time salaries July/August
4350 Planning/Insp	increase	\$4000	From contingency for CAMA Land Use Plan final invoice

**d. Tax Release**

Ace Wireless	\$253.88	SITUS Pasquotank Co.
Bigham, J.	\$160.01	Vehicle totaled
Boone, B.	\$465.45	Foreclosure by County
Boone, B.	\$1112.82	Foreclosure by County
Boone, B.	\$753.00	Foreclosure by County
Enkay Inc.	\$153.24	Vehicle Sold
Shaneybrook, G.	\$1051.57	Square footage incorrect on dwelling

Shaneybrook, G.	\$155.15	Adjustment on supplemental bill
Tynch, J.	\$161.41	Keyed in wrong value
Shaneybrook, G.	\$650.54	Error in calculation
Shaneybrook, G.	\$481.81	Error in calculation

#### e. Capital Project Ordinance Amendments

##### **Library Renovation**

To update Professional Services, Contracted Services, Professional Legal Services, Construction, Interest and Contingency.

New Total \$3,558,976.00

##### **Public Safety/Emergency Operations Center**

To update Professional Services (BJAC and Legal) Maintenance & Repair-Existing Building, Development/Construction RN Rouse, Security System, Interest, Equipment/Furnishings, Land Acquisition and Contingency.

New Total \$11,391,600.00

#### f. Albemarle Mental Health Center Quarterly Fiscal Monitoring Report

Attached is the fourth quarter of FY 2007-08 fiscal monitoring report for Albemarle Mental Health Center.

#### **Public Comment**

David Barrett stated that he has prepared information to the Board on Budget and Finance procedures and asked if the Board had any questions of him.

Commissioner Goodwin said that he has the ideas and he felt they were good and that he wanted to talk with Mr. Barrett about those ideas soon.

John Mitchener suggested that the Board consider appointing someone to explore the idea of having all seats on the Board of Commissioners set as "At Large" so that the entire County can vote for each seat and have full representation on the Board.

Commissioner Gardner noted that Bertie County does that, and asked Mr. Mitchener what he felt the merits to that proposal were.

Mr. Mitchener said it would give people more say so in a vote by the Board and that all voters would be equal. He said that currently the people have 3 out of 7 votes on the Board so their voice is never the majority.

Commissioner Goodwin said that the Town of Edenton currently has 1/3 of the population of Chowan County and that he felt that would not be equal representation for the voters in the northern or southern portions of the County.

Mr. Mitchener said that minority representation would be a challenge.

Commissioner Belfield said that his concern would be not having minority representation and that was a major demerit to the proposal in his opinion.

Mr. Rascoe noted that changing the current set up is not as easy as it seems. He said that Chowan County is regulated by the 1965 voting act. He said that the Department of Justice would have to approve a change like that. He said that the matter would be complicated, but if directed by the Board, he would begin discussions with the Department of Justice.

Mr. Rascoe introduced Courtney Hull an Associate Attorney representing the Twiford Law Firm.

Ed Britt said that the County's Board meetings should be broadcast on a government access channel. He said that he was angry with the way the Board handled the vote on the budget amendments at the last meeting. He said that he felt the Board should admit that they made a mistake. He said that he felt that the Board ruined J.P. Timberlakes' reputation.

Being no further public comment, the floor was closed.

### **Loan Modifications/Letter of Conditions Amendments**

Mr. Rascoe gave an overview of the two requests that would be presented by Finance Officer, Lisa Jones. He said that these modifications of the RBC Construction Loan for the Library addition and the Public Safety Center. He said that if approved it will refinance the County's cash contribution.

### **RBC Bank Resolution – Loan Modification for Library**

Finance Officer, Lisa Jones presented a resolution requesting LGC approval for possible modification of the current RBC Bank loan for the Shepard Pruden Memorial Library addition to include the County's cash contribution to the project. She said that the modification of the loan would allow financing of the County's previous cash contribution. She presented the following resolution:

Commissioner Gardner asked how this resolution would affect the 2008-09 budget.

Mr. Rascoe said that approval of this resolution would free up cash flow.

Commissioner Alligood moved that the resolution be approved as submitted. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

### **RESOLUTION**

The governing body for the County of Chowan, North Carolina, held a regular meeting at the 1767 Chowan County Courthouse, the regular place of meeting, on Monday, September 8, 2008, at 9:00a.m.

Present: Chairman Ralph Cole, Commissioner(s) Bill Gardner, Harry Lee Winslow, Louis Belfield, Jimmy Alligood, Kenny Goodwin and Jerry Downum.

Absent: N/A

Also Present: Clerk to the Board, Susanne Stallings; County Manager, Peter Rascoe; Finance Officer, Lisa Jones

\* \* \* \* \*

Finance Officer, Lisa Jones introduced the following resolution which was read:

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT NOT TO EXCEED THE AMOUNT OF \$1,600,000.00 WITH RBC BANK (USA) TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT FOR USE BY THE COUNTY OF CHOWAN, NORTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH**

BE IT RESOLVED by the governing body for the County of Chowan, North Carolina (the “Unit”):The governing body of the Unit does hereby find and determine:

The County of Chowan proposes the acquisition of certain equipment, which may include fixtures as more fully described in the hereinafter mentioned Contract (collectively, the "Equipment");

After consideration, the governing body of the Unit has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;

Pursuant to Section 160A-20, the Unit is authorized to finance the acquisition of personal property, including fixtures, by installment contracts that create a security interest in the property financed to secure repayment of the financing; and

RBC Bank (USA) ("RBC Bank (USA)") has proposed that RBC Bank (USA) enter into an Installment Financing Contract with the Unit to finance the Equipment pursuant to which RBC Bank (USA) will lend the Unit then amount of \$1,600,000.00 (the "Contract") and a related Escrow Agreement between the Unit and RBC Bank (USA) (the "Escrow Agreement").

The governing body of the Unit hereby authorizes and directs to execute, acknowledge and deliver the Contract and Escrow Agreement on behalf of the Unit in such form and substance as the person executing and delivering such instruments on behalf of the Unit shall find acceptable. The Clerk is hereby authorized to affix the official seal of the County of Chowan to the Contract and the Escrow Agreement and attest the same.

The proper officers of the Unit are authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and the Contract and the Escrow Agreement.

Notwithstanding any provision of the Contract or the Escrow Agreement, no deficiency judgment may be rendered against the Unit in any action for breach of a contractual obligation under the Contract or the Escrow Agreement and the taxing power of the Unit is not and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract being the sole security for RBC Bank (USA) in such instance.

The Unit covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") as required so that interest on the Unit's obligations under the Contract will not be included in the gross income of RBC Bank (USA).

The Unit hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Unit will issue in the aggregate less than \$10,000,000 of tax-exempt obligations, including the Contract (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2008. In addition, the Unit hereby designates the Contract and its obligations under the Contract as a "qualified tax-exempt obligation" for the purposes of the Code.

This Resolution shall take effect immediately upon its passage.

Upon motion of Commissioner Alligood, seconded by N/A, members of the governing body, the foregoing resolution entitled **"RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF \$1,600,000.00 WITH RBC BANK (USA) TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH"** was passed by the following vote:

Ayes: 7- Chairman Ralph Cole, Commissioner(s) Bill Gardner, Harry Lee Winslow, Louis Belfield, Jimmy Alligood, Kenny Goodwin and Jerry Downum.

Nays: 0

PASSED AND ADOPTED this 8th day of September, 2008.

### **USDA Letter of Conditions amendments for the Library**

Ms. Jones then presented amendments to the USDA letter of conditions dated March 6, 2006 for the Library for the Board's consideration. She noted that the letter of conditions would give us interest only payments for 2 years and extends maturity from 30 to 40 years.

Mr. Ralph V. Cole, Chairman  
Chowan County Board of Commissioners  
PO Box 1030  
Edenton, NC 27932

RE: Amendment to Letter of Conditions Dated March 6, 2006

Dear Mr. Cole:

The Letter of Conditions to Chowan County dated March 6, 2006 is hereby revised and amended as follows:

**REPAYMENT SCHEDULE:** The proposed loan for real estate improvements will be scheduled for repayment over a period not to exceed forty (40) years. An interest only payment will be due the first two years following the date of loan closing. Fully amortized annual payments will begin the next year and continue for the remaining 38 years of the loan.

All other terms and conditions in the Letter of Conditions are unchanged and remain in full force and effect.

If the above modifications are satisfactory, please sign the bottom of this amendment indicating acceptance and return to this office.

Should you have questions, please feel free to call.  
Sincerely,  
SUSAN P. CHRISTENSEN  
Area Specialist

Commissioner Gardner said that he noticed the audience shaking their head in disapproval and requested that the Board receive public comment on the modification proposals.

Commissioner Goodwin said that he could understand that the proposal would ease up money for cash flow. He said the old payment was \$110,520 and the new payment would be interest only for two years in the amount of \$81,000. He said beginning in 2011 the payment would be \$99,738 for the Library.

### **USDA Letter of Conditions amendments for Public safety Center Building and Equipment**

Finance Officer, Lisa Jones also presented for the Board's consideration, amendments to the USDA letter of conditions dated April 4, 2005 for the Public Safety Center building and equipment loan.

September 8, 2008

Mr. Ralph V. Cole, Chairman  
Chowan County Board of Commissioners  
P.O. Box 1030  
Edenton, NC 27932

RE: Amendment to Letter of Conditions Dated April 4, 2005

Dear Mr. Cole:

The Letter of Conditions to Chowan County dated April 4, 2005 is hereby revised and amended as follows:

**REPAYMENT SCHEDULE:** The proposed loan in the amount of \$9,856,600 for real estate improvements will be scheduled for repayment over a period not to exceed forty (40) years. An interest only payment will be due the first two years following the date of loan closing. Fully amortized annual payments will begin the next year and continue for the remaining 38 years of the loan.

All other terms and conditions in the Letter of Conditions dated April 4, 2005 are unchanged and remain in full force and effect.

If the above modification is satisfactory, please sign the bottom of this amendment indicating acceptance and return to me.

Should you have questions, please feel free to call.

Sincerely,  
SUSAN P. CHRISTENSEN  
Area Specialist

September 8, 2008

Mr. Ralph V. Cole, Chairman  
Chowan County Board of Commissioners  
P.O. Box 1030  
Edenton, NC 27932

RE: Amendment to Letter of Conditions Dated April 4, 2005

Dear Mr. Cole:

The Letter of Conditions to Chowan County dated April 4, 2005 is hereby revised and amended as follows:

**REPAYMENT SCHEDULE:** The proposed loan in the amount of \$1,100,000 for equipment and furnishings in conjunction with construction of the Public Safety Center in Chowan County will be scheduled for repayment over a period not to exceed fifteen (15) years. An interest only payment will be due the first two years following the date of loan closing. Fully amortized annual payments will begin the next year and continue for the remaining 13 years of the loan.

All other terms and conditions in the Letter of Conditions dated April 4, 2005 are unchanged and remain in full force and effect.

If the above modification is satisfactory, please sign the bottom of this amendment indicating acceptance and return to me.

Should you have questions, please feel free to call.

Sincerely,  
SUSAN P. CHRISTENSEN  
Area Specialist

Chairman Cole then opened the floor to public comment.

Preston Dunfey said he was not sure this may or may not make good financial sense. He asked what the real long term effect of this modification was. He suggested that all proposals be posted on the County's website.

John Sams that his question is what is the long term effect of the modifications. He said that this proposal may be a good idea for now, but he wanted to see posted on the web, the effects for the following years.

Mark Reilly said he would like to see a 5 year plan for the County's finances. He said that the County should be run like a business. He said if the County needed to raise the taxes to pay down the loans, then it should do it, but he would like to see a plan.

Commissioner Goodwin said that he understands the concerns about the future, but he felt that these modifications equal approximately 2 cents on the tax rate and he felt that was an immediate savings for now. He said the building loan was \$587,454. The modification would be 2 years interest only in the amount of \$418,906 and beginning in 2011 would be \$527,427. He said the equipment loan was \$100,683 and the modification would be interest only for 2 years in the amount of \$46,750. He said beginning in 2011 the payment would be \$111,881.

Rich Halbert said that before the Board rushes to make a decision, it needs to ask what would happen if they don't modify the loans.

Commissioner Gardner asked what would happen if the Board didn't modify the loans.



Ms. Jones explained what the current obligations are for payments and explained that by modifying the loans it would free up cash flow.

Mr. Halbert asked why there was a cash flow problem so soon after the Board just adopted a balanced budget.

Mr. Rascoe explained that a budget was a projection and that it has nothing to do with cash flow and covering the day to day operational expenses. He said that cash does not come in the day after a budget is adopted.

Commissioner Gardner moved that the Board approve the three modification letters as submitted based on the public comment and discussions.

Mr. Rascoe said that he is working on a capital plan but the ad valorem is subject to the economy. He said he could come up with a five year plan but he could not tell anyone what their taxes would be in 5 years.

Being no further comment, Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

#### **Public Information on Website**

Commissioner Allgood moved that financial documents that were presented be put on the internet for public inspection.

Chairman Cole asked for all in favor, the motion carried unanimously.

#### **DSS Report and Work First Standards and Committee Information**

DSS Director, Ben Rose presented a report on the activities of DSS for the FY 2007-08 year. Mr. Rose also presented two requests for the Board's consideration:

1. Request for standard or electing status for Work First. He said that every two years the County must determine to be a standard or electing county. DSS is recommending that the County remain a Standard due to the success demonstrated thus far with this designation.
2. Approval of the Work First Committee. He shared a list of 17 persons/agencies or entities designated to the Work First Committee for the Board's consideration.

### **2008 Work First Planning Committee**

1. Lynn Hurdle-Winslow, College of the Albemarle
2. Ricky Coltrain, Edenton Employment Security Commission
3. Richard Bunch, Chowan County Chamber of Commerce
4. Gary Stanley, Albemarle Mental Health
5. Karen Parks, Chowan County Health Department
6. Herb Mullen, Inter County Transit

7. Ralph Cole, Chowan County Board of Commissioners
8. Randy Pierce, First Assembly of God
9. Romona Ferebee, Chowan County Child Care Subsidy Social Worker
10. Celeste Gregory, Chowan County Child Support
11. Teresa Forward, Economic Improvement Council
12. Darlene Carter, Chowan County Social Service Board
13. Mitza Autry, Chowan County Child Protective Social Worker
14. Willie Koonce, Chowan County School System
15. Bonna Meadows, Albemarle Mental Health
16. Work First Client
17. Chowan Hospital Representative (has not been appointed at this time)

The Board discussed the procedures of the Work First program and eligibility requirements. Being no further discussion, Commissioner Alligood moved that the Board approve Chowan DSS as a Standard County and approve the 17 member Work First Committee. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

#### **Human Services Committee Update**

Commissioner Alligood stated that on Wednesday, August 27, 2008 the Human Services Committee of the Chowan County Board of Commissioners met to review and make recommendations on the following items for the full Board's consideration.

##### **Board Appointments:**

##### **Chowan County Planning Board:**

The Committee recommended the appointment of Mike Williams and William "Bill" Monds to replace outgoing members Roger Spivey and Jack Held.

Commissioner Alligood moved that the Board approve the Planning Board appointments, Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

##### **Chowan County Board of Adjustment:**

The committee recommended the appointment of Jim Parrish and Joe Ward to fill the two vacant alternate seats on the County Board of Adjustment.

Commissioner Alligood moved that the Board approve the Board of Adjustment appointments, Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

##### **Senior Center Advisory Committee:**

The Committee recommended that the Board appoint Commissioner Belfield to serve as the Board's representative on the Senior Center Advisory Committee that meets once every quarter.

Commissioner Alligood moved that the Board approve the recommendation, Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

### Personnel Policy Amendments

The Committee reviewed proposed amendments to the Personnel Policy including:

Conflict of Interest Policy

Uniform Policy

Inclement Weather Policy

Exit Conference

Light Duty

County Workweek

Two Week Notice

Exempt Employees

Tampering

Disclosure of Information

Supplemental Employment request form

Commissioner Alligood moved that the Board approve the personnel policy amendments, Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

Commissioner Goodwin circulated an article written by Dianne Jeffries of the School of Government on retirement incentives, and asked that the Board review the article for future discussions.

### **Planning Report**

Planner Elizabeth Bryant provided a report of the activities of the Planning Department for the current year. A copy of that report is on file in the September 8, 2008 meeting file in the Clerk's office.

### **Public Hearing- Final Subdivision plat approval : The Refuge at Drummonds Point**

Planner, Wes Haskett presented the Final Plat for a major 14 lot subdivision off of Drummonds Point Road. He then read the following staff recommended conditions into the record:

### **STAFF REPORT**

**To:** Chowan County Board of Commissioners  
**Date:** September 8, 2008  
**Case:** Final Plat Review of the Refuge at Drummond's Point  
**Prepared By:** Wes Haskett, Planner I

### **GENERAL INFORMATION**

**Applicant:** Ron and Michelle Andronowitz  
155 Pelican Court  
Edenton, NC 27932  
482-6099

**Property Owner:** Same as above

**Subject Property:** Drummond's Point

**Requested Action:** ~ Final Plat Approval of a 14 Lot Subdivision

**Tax PIN #:** 7865-00-43-8935

**Location:** Off Drummond's Point Road

**Size:** 21.78 acres

**Existing Zoning:** A-1, Agricultural

**Existing Land Use:** "Residential"

**Surrounding Land Use & Zoning:**

**North-** Yeopim River

**South-** Albemarle Sound

**East-** Albemarle Sound

**West-** Residential; A-1, Agricultural (Single-Family homes)

**Land Use Plan Major Goals & Objectives:**

- Balance growth and development and conservation/preservation of natural resources.
- Promote land use and public infrastructure development that is compatible with land suitability as well as capabilities to provide requisite public services.
- Promote land uses and land development compatible with the functional purposes of Areas of Environmental Concern

**Future Land Use Classification:** *Low Density Residential*

- The Low Density Residential classification is intended to delineate lands where the predominant land use is low density residences, particularly properties with waterfront access and areas where public water service is readily available.
- At the time of preliminary plat approval, the minimum lot size required for new lots was 25,000 square feet which is the equivalent of the current R-25 zoning district.
- The R-25 Zoning District is "generally consistent" with the recently adopted comprehensive Land Use Plan for Chowan County.

**Applicable Regulations:** Rules and regulations of the Chowan County Subdivision Regulations in effect at the time of Preliminary Plat approval (October 1, 2003).

**ANALYSIS**

This request is subject to the rules and regulations of the Chowan County Subdivision Regulations in effect at the time of Preliminary Plat approval (October 1, 2003). These regulations, unlike the current Chowan County Development Codes, require that Final Plats be reviewed by the Chowan County Planning Board and approved by the Chowan County Board of Commissioners. Therefore, the applicant's Final Plat request is before you for your approval.

Please keep in mind that the applicant's Project (The Refuge) is subject to the 2003 regulations, not current regulations. In 2003, this project was given Preliminary Plat approval with wells providing water service, common septic fields, and an unpaved road built to NCDOT gravel road standards. The applicant has met with staff as well as members of the Albemarle Shores Home Owners Association to establish a set covenants and a road maintenance agreement which have both been submitted.

## **RECOMMENDATION**

The planning staff recommends approval with the following conditions for consideration:

1. Minor road/bridge changes may be approved by Planning Staff, but major improvements or changes requiring purchase of developable property must reappear before the County Planning Board.
2. A revised final plat shall be submitted for recording purposes with all appropriate certification statements as well as details for access to the common pier shown at Lot 13 on the current draft of the final plat.
3. A six (6) month report on the status of improvements must be presented to the County Planning Board by the developer.
4. All improvements (roads, septic system, and water system) must be installed or financially guaranteed sufficient to staff, prior to October 1, 2008.
5. The developer shall meet with NCDOT to determine if a bond is needed for Osprey Drive prior to October 1, 2008.
6. A copy of the document granting legal access to the Refuge property owners to traverse Osprey Drive shall be submitted prior to October 1, 2008.
7. An executed copy of the document establishing a maintenance and repair agreement for Osprey Drive between the applicant and the Albemarle Shores Homeowners Association shall be submitted prior to October 1, 2008.
8. An executed copy of restrictive covenants sufficient for staff, and containing a restriction for the marina owner to lease boat slips only to owners of the Refuge and Albemarle Shores Homeowners Association shall be submitted prior to October 1, 2008. No fuel sales or wastewater pumping station shall be allowed.
9. A note on the final plat shall state: The streets and roads of this subdivision are privately owned and maintained either by the developer or by a Homeowners Association. In the event of a natural disaster, resulting in accumulated debris, neither Chowan County nor the State of North Carolina is obligated to remove such debris.
10. A statement satisfactory to staff shall be noted on the final plat indicating that the private wells are being used due to the distance from the current County Water supply system.
11. Drainage Plan shall be reviewed and approved by the Chowan County Soil and Water Conservation Technician prior to final plat recordation.

Commissioner Gardner asked why there are so many private wells.

Mr. Haskett said that there is no public water supply in that area, so residents have private wells.

Commissioner Gardner noted that this application falls under the Subdivision regulations of 2003 and is grandfathered.

Mr. Rascoe noted that one example would be that under the 2008 regulations, the applicant would have to pave the roads.

Commissioner Alligood moved that the Board open the floor for the public hearing. Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

Mike Pierce noted that the road maintenance agreement and the covenants needed to be reviewed and approved by the homeowners association.

Mr. Rascoe noted that the neighboring property owners voiced opposition to a pump station for the waste water so that was written in as a restriction in the covenants. He said that CAMA reviewed the subdivision and showed no concerns with a pump station. He said that item was deferred to the HOA and the developer for negotiations.

Rick Flora said the development was in his opinion agreeable. He noted that the subdivision would be individual septic systems. He noted the conditions of Drummonds Point road and expressed his concerns about the road condition. He said that he was told it was to be repaved but to date he has not seen any paving.

Chairman Cole asked that staff follow up with DOT on the paving progress for Drummonds Point Road.

Clerk to the Board, Susanne Stallings noted that staff was informed around the first of the year, that paving would take place in the fall.

Mr. Rascoe said that he will inquire of DOT the progress of paving that road.

Preston Dunfey stated his opposition to a pump station.

Mr. Andronowitz handed out a paper showing the conditions that were stipulated and which have already been addressed. He said the tanks would be individual tanks that pump to a common area.

Commissioner Goodwin said that he personally was not comfortable with the septic system and the wells on the individual lots.

Mr. Andronowitz described the dry hydrants that would be on the site.

Commissioner Alligood moved that the Board approved the subdivision with the recommended conditions.

Mr. Rascoe noted that the time for vested rights will expire on October 1<sup>st</sup> and if the plat is not recorded prior to that date, the developer would be required to resubmit the plat that meets the requirements of the 2006 subdivision and zoning ordinances.

Chairman Cole asked for all in favor. The motion passed (6-1, Commissioner Goodwin).

Commissioner Alligood left the meeting to attend to another obligation.

**Text Amendments - Storm Water Drainage Requirement to the Subdivision Ordinance**

Scott Alons and Mark Powell with the USDA Soil and Water Conservation and Mr. Haskett presented proposed amendments to the Chowan County Subdivision Ordinance regarding the following:

Article V, Design Standards, to amend language in section 10.00, *Stormwater Management Standards* and Article VIII, Appendices, to amend language in Section 6.0, *Stormwater Management Plans*.

Commissioner Winslow stated that he needed more time to review the proposals and moved that the application be tabled until the October 2008 meeting.

Chairman Cole asked for all in favor, the motion carried unanimously (7-0).

**Resolution in honor and support of the Cupola House 250<sup>th</sup> Anniversary Celebration**

Mr. Rascoe presented the following resolution for the Board's consideration. Commissioner Downum moved that the Board adopt the resolution as presented. Chairman Cole asked for all in favor, the motion carried unanimously (6-0).

RESOLUTION HONORING THE 250<sup>TH</sup> ANNIVERSARY  
OF THE CUPOLA HOUSE

WHEREAS, on September 27, 2008 a week long celebration will begin for the 250<sup>th</sup> anniversary of the historic Cupola House in Edenton, North Carolina; and

WHEREAS, the Cupola House is among the oldest existing wooden structures in North Carolina being built in 1758 by Francis Corbin and is designated as a Registered National Historic Landmark; and

WHEREAS, the Cupola House is considered to be the finest Jacobean house south of Connecticut and is a principal local, state and national landmark that has become an integral part of Edenton attracting many visitors each year; and

WHEREAS, the Cupola House served the citizens of Edenton and Chowan County as a public library from the early 1920's until 1963; and

WHEREAS, the Cupola House Association recognized as the first community preservation organization in the State of North Carolina, has maintained the Cupola House and gardens for more than 80 years which enhances the lives of those who reside, work and shop in Edenton; and

WHEREAS, the Cupola House has welcomed tourists and residents for many years for the biennial Pilgrimage and hosts the Wassail Bowl as part of the annual Christmas Candlelight Tour; and

WHEREAS, the Mayor and Town Council wish to acknowledge the dedication and commitment that the Cupola House Association has devoted to preserving and protecting this architectural jewel.

NOW THEREFORE BE IT RESOLVED, that the Chowan County Board of Commissioners does hereby thank the Cupola House Association and all citizens who over the years have donated their time, talent and money to preserving the Cupola House; and

BE IT FURTHER RESOLVED, that the Chowan County Board of Commissioners declares the week of September 27, 2008 Cupola House Week in the Town of Edenton and Chowan County and that a copy of this resolution be spread upon the minute books of the Chowan County Board of Commissioners as a lasting testament of the Board's appreciation of the historical significance of the Cupola House.

Adopted this 8<sup>th</sup> day of September, 2008

**Finance Report**

Finance Officer, Lisa Jones provided financial reports for the month of August. And presented a cash flow projection through June 2009 which will be available on the Chowan County website and also included in the September 2008 Board of Commissioner meeting file. She also shared that the County has a cash balance of -\$483,365 and a total investment balance of \$790,351. She added that Department Heads are doing a great job at watching expenses.

Commissioner Goodwin asked about the storm preparedness fee, and how long it will be needed.

Ms. Jones stated that the fee collects approximately \$75,000 per year and will pay off the generators with 3 ½ years.

### **Manager's Report**

County Manager, Peter Rascoe provided the Manager's report and requested that the Tax Administrator, Lynda Hendricks give an update on tax collections.

Ms. Hendricks said that currently Chowan County has collected \$200,000 more at this time this year, than last. She added that staff is diligently trying to collect delinquent taxes.

Mr. Rascoe noted that the County is almost caught up with accounts payables and noted that he and Ms. Jones will be meeting with RBC Bank and the USDA that afternoon to discuss the loan modifications. He noted that the Shepard Pruden Library was dedicated the week before and that the library renovation was supported by the County, Town, Friends of the Library and the Shepard Pruden Memorial Library Trustees.

He noted that the control group met prior to Hurricane Ike and did run through preparatory matters. He said that the school superintendant was involved in that meeting as the schools are the number 1 agency to be involved in the event of an evacuation. He noted that the Animal Control Advisory Review Committee will meet on Wednesday.

Mr. Rascoe also noted that the budget was balanced in August with the 9 cent increase in the tax rate. He said the County did not reinstate the 10% departmental cuts for day to day purchases. He said that a hiring freeze was implemented and any vacant positions. He said that no raises will be given and that the 1% cost of living increase for employees was also taken back effective August 1<sup>st</sup>. He reminded the Board the new debt will come due in 2009 but he was working on additional cost reductions to help the County service the new debt. He noted the Finance Committee meeting on October 6<sup>th</sup> at 8:30am.

Commissioner Goodwin requested that the County Manager look into the agreements between the Town and County as well as those with other agencies.

Commissioner Downum thanked the citizens for their participation in the meeting.

### **Resolution Mutual Assistance with other Law Enforcement Agencies**

Sheriff Goodwin presented the following resolution for the Board's consideration. He said this resolution will authorize him to enter into mutual aid agreements with other law enforcement agencies.



Commissioner Winslow moved that the Board adopt the resolution. Chairman Cole asked for all in favor, the motion carried unanimously (6-0).

**RESOLUTION ADOPTING A POLICY FOR MUTUAL ASSISTANCE  
WITH OTHER LAW ENFORCEMENT AGENCIES**

*WHEREAS*, pursuant to North Carolina General Statutes § 160A-288, the governing body of a county may adopt appropriate guidelines for the purpose of mutual assistance with other Municipal and county law enforcement agencies; and

*WHEREAS*, pursuant to said laws, the law enforcement assistance to be rendered authorizes lending officers to work temporarily with officers of the requesting agencies, including in an undercover capacity, and lending equipment and supplies; and

*WHEREAS*, it is deemed to be in the best interests of the citizens of Chowan County to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can be both rendered to and obtained from other governmental jurisdictions; and

*WHEREAS*, such reciprocal assistance is necessary for effective law enforcement for the protection of the citizens of Chowan County;

*NOW, THEREFORE, BE IT RESOLVED BY THE CHOWAN COUNTY BOARD OF COMMISSIONERS THAT:*

1. The Sheriff is hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies, provided that the head of the requesting law enforcement agency makes such a request in writing.
2. The Sheriff is hereby authorized to permit officers of the Chowan County Sheriff's Office to work temporarily with officers of the requesting agency, including in an undercover capacity, and the Sheriff may lend such equipment and supplies to requesting agencies as he deems advisable.
3. All such requests and authorizations shall be in accordance with North Carolina General Statutes § 160A-288, as applicable.
4. While working with a requesting agency, an officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and payments of judgments) as the officers of the requesting agency in addition to those the officer normally possesses.
5. While on duty with the requesting agency, an officer shall be subject to the lawful operational commands of the officer's superior officers in the requesting agency, but the officer shall for personnel and administrative purposes, remain under the control of the officer's own agency, including for the purposes of pay. An officer shall furthermore be entitled to worker's compensation and the same benefits to the extent as though he were functioning within the normal scope of the officer's duties.

6. The Sheriff is hereby authorized to enter into mutual assistance agreements with other law enforcement agencies in accordance with such reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies.

Commissioner Winslow moved for the adoption of the foregoing resolution.

\_\_\_\_\_ seconded the motion and, upon vote, the same was adopted.

This the 8th day of September, 2008.

There being no further business before the Board, the meeting was adjourned.

\_\_\_\_\_  
Jimmy Alligood  
Vice Chairman

\_\_\_\_\_  
L. Susanne Stallings  
Clerk to the Board

(SEAL)